
STATUTORY INSTRUMENTS

2012 No. 1023

LOCAL GOVERNMENT, ENGLAND

**The Localism Act 2011 (Local Authority Governance
Transitional Provisions) (England) Order 2012**

<i>Made</i>	- - - -	<i>30th March 2012</i>
<i>Laid before Parliament</i>		<i>10th April 2012</i>
<i>Coming into force</i>	- -	<i>4th May 2012</i>

The Secretary of State for Communities and Local Government, in exercise of the powers conferred by section 23 of the Localism Act 2011⁽¹⁾, makes the following Order.

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Localism Act 2011 (Local Authority Governance Transitional Provisions) (England) Order 2012 and comes into force on 4th May 2012.

(2) In this Order—

“the 1972 Act” means the Local Government Act 1972⁽²⁾; and

“the 2000 Act” means the Local Government Act 2000⁽³⁾.

Leader and cabinet executives (England)

2.—(1) In this article—

“leader and cabinet executive (England)” has the meaning given by section 9C of the 2000 Act⁽⁴⁾; and

“local authority” means a local authority which is operating a leader and cabinet executive (England).

(2) Notwithstanding the commencement of paragraphs 58, 59, 61 and 62 of Schedule 3 to the Localism Act 2011, sections 44A, 44B, 44D and 44E of the 2000 Act continue to apply to a local authority until such time as the local authority makes provision in their executive arrangements in accordance with section 9I of the 2000 Act.

(1) 2011 c.20.

(2) 1972 c.70.

(3) 2000 c.22.

(4) Section 9C was inserted into the 2000 Act by section 21 of, and Schedule 2 to, the Localism Act 2011.

(3) A local authority must make the provisions required to be included in their executive arrangements under sections 9I and 9IA of the 2000 Act as soon as reasonably practicable after this Order comes into force.

The committee system

3.—(1) In this article—

“alternative arrangements” has the meaning given by section 32(1) of the 2000 Act;

“committee system” has the meaning given by section 9B of the 2000 Act⁽⁵⁾;

“local authority” means a local authority which is operating alternative arrangements; and

“relevant time” means the time immediately after this Order comes into force.

(2) At the relevant time, a local authority must—

(a) cease to operate alternative arrangements; and

(b) start to operate the committee system.

(3) Paragraph 4 applies where before the relevant time the local authority has—

(a) made arrangements under section 101 of the 1972 Act⁽⁶⁾; or

(b) made appointments under section 102 of the 1972 Act⁽⁷⁾.

(4) Where this paragraph applies such arrangements or appointments are to continue to have effect under the committee system, but only so far as they comply with regulations made under section 9J of the 2000 Act.

(5) Any overview and scrutiny committee appointed by the local authority before the relevant time is to be treated as if appointed by resolution under section 9JA(1).

Signed by authority of the Secretary of State for Communities and Local Government

Andrew Stunell
Parliamentary Under Secretary of State
Department for Communities and Local
Government

30th March 2012

⁽⁵⁾ section 9B was inserted into the 2000 Act by section 21 of, and Schedule 2 to, the Localism Act 2011.

⁽⁶⁾ Section 101 was amended by section 30 of, and Schedule 10 to, the Health and Social Services and Social Security Adjudications Act 1983 (c.41); sections 84 and 102 of, and Schedules 14 and 17 to, the Local Government Act 1985 (c.51); the Statute Law (Repeals) Act 1986 (c.12); section 237 of, and Schedule 13 to, the Education Reform Act 1988 (c.40); sections 45(5) and 194 of, and Schedule 12 to, the Local Government and Housing Act 1989 (c.42); section 307 of, and Schedules 19 and 21 to, the Education Act 1993 (c.35); section 93 of, and Schedule 9 to, the Police and Magistrates’ Courts Act 1994 (c.29); section 66(5) of, and Schedule 15 to, the Local Government (Wales) Act 1994 (c.19); section 120 of, and Schedule 24 to, the Environment Act 1995 (c.25); section 332(1) of the Greater London Authority Act 1999 (c.29); section 198 of, and Schedule 6 to, the Licensing Act 2003 (c.17); section 64 of, and Schedule 5 to, the Children Act 2004 (c.31); section 209 of, and Schedule 6 to the Local Government and Public Involvement in Health Act 2007 (c.28); section 224 of the Planning Act 2008 (c.29); section 119 of, and Schedule 6 to, the Local Democracy, Economic Development and Construction Act 2009 (c.20); section 321 of, and Schedule 22 to, the Marine and Coastal Access Act 2009 (c.23); section 99 of, and Schedule 16 to, the Police Reform and Social Responsibility Act 2011 (c.13); section 22 of, and Schedule 3 to, the Localism Act 2011 (c.20); (in relation to England) S.I. 2001/1517; and S.I. 2009/1375.

⁽⁷⁾ Section 102 was amended by section 29 of, and Schedule 9 to, the Health and Social Services and Social Security Adjudications Act 1983; section 108(5) of, and Schedule 13 to, the Children Act 1989 (c. 41), sections 13(8) and 194 of, and Schedules 11 and 12 to, the Local Government and Housing Act 1989; sections 22 and 240 of, and Schedule 3 to, the Localism Act 2011 (c.20); and (in relation to England) S.I. 2001/1517.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes transitional provision in relation to sections 21 and 22 of, and Schedules 2 and 3 to, the Localism Act 2011, which inserted new Part 1A into the Local Government Act 2000. Part 1A replaces Part 2 of the Local Government Act 2000 so far as it relates to local authority governance arrangements in England.

Article 2 preserves current rules relating to elections and terms of office of executive leaders in local authorities operating leader and cabinet executives (England), until such time as a local authority makes provision in their executive arrangements under section 9I of the 2000 Act.

Under Part 2 a local authority was required to operate a form of executive arrangements consisting of either a mayor and cabinet or a leader and cabinet. However, a district council in an area for which there is a county council whose resident population on 30 June 1999 was less than 85,000 was allowed to adopt alternative arrangements. The Localism Act abolishes alternative arrangements. Instead under Part 1A of the 2000 Act any local authority in England must operate a mayor and cabinet executive, a leader and cabinet executive, a committee system, or arrangements as may be prescribed by regulations under section 9BA of the 2000 Act. The effect of Article 3 is that local authorities currently operating alternative arrangements are automatically converted at the relevant time specified in the Order so that they operate the committee system under Part 1A.

A full impact assessment has not been produced for this Order as no impact on the private or voluntary sectors is foreseen.